

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

GEORGE E. BROWN, JR.,)
)
Plaintiff,)
)
v.) Case No. 1:17CV00026 AGF
)
BOBBY PENROD and JANE DOE,)
)
Defendants.)

MEMORANDUM AND ORDER

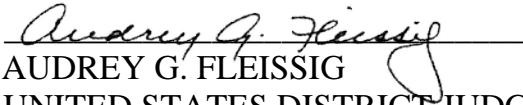
This action is brought by pro se Plaintiff George E. Brown, Jr., under 42 U.S.C. § 1983 against Defendants Bobby Penrod, a police officer, and Jane Doe, a confidential informant for Penrod. Plaintiff seeks actual and punitive damages for the claimed violation of his federal and Missouri constitutional rights by the nonconsensual search of his residence by Doe, who Plaintiff alleges was acting as Penrod's agent in conducting the search. Penrod and Plaintiff have filed cross motions for summary judgment. Now under consideration are three motions to strike filed by Penrod: motions (ECF No. 33 and 44) to strike portions of Plaintiffs' affidavits, and a motion (ECF No. 42) to strike Plaintiff's statement of facts in support of Plaintiff's motion for summary judgment.

All three motions seek to strike on hearsay grounds, statements allegedly made by Defendants Penrod and Doe. But these are statements by an opposing party and are, thus, not hearsay. *See Fed. R. Evid. 801(d)(2).* Penrod also seeks to strike statements that constitute a legal conclusion, for example, that the search by Doe was illegal. The Court

will not give these statements any unwarranted weight, but sees no reason to strike them from Plaintiff's filings.

Accordingly,

IT IS HEREBY ORDERED that the Defendant Bobby Penrod's motions to strike are **DENIED**. (ECF Nos. 33, 42, 44.)


AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 7th day of May 2018.